

**BETHLEHEM CENTRAL  
SCHOOL DISTRICT**

**700 Delaware Ave.**

**Delmar, NY 12054**

**(518) 439-7481**

**REQUEST FOR PROPOSAL  
School District Legal Counsel**

**Issue Date: September 30, 2022**

**Responses to be received no later  
than 4:00 pm on October 28, 2022**

## **1. Introduction**

The Bethlehem Central School District is located in Delmar, New York, Albany County. The school district is one of the top performing districts in the state, offering a wide range of programs to support a quality educational experience for the students of our community.

We are currently posting the request for proposals by direction of the Board of Education in order to maintain our commitment to the Bethlehem Community ensuring competent review of legal counsel for the school district.

## **2. Statement of Purpose**

The purpose of this document is to solicit proposals for school district legal counsel, commencing July 1, 2023.

Sealed proposals for School District Counsel are requested by the Board of Education of the Bethlehem Central School District. All proposals should be submitted to Jody Monroe, Superintendent of Schools on or before 4:00 p.m. on Friday, October 28, 2022. Proposals received after this date will not be considered.

## **3. Timeline**

RFP sent to prospective vendors: 9/30/22

RFP responses due: 10/28/22

Review of responses and selection of finalists: 11/1/22 – 11/10/22

Interviews with prospective finalists: 11/30/22, beginning at 5:00 pm

Law firm selection by board: by 12/14/22

Law firm appointed by the Board of Education: 12/21/22

Law firm begins: 7/1/23

## **4. Brief Description of the District**

Enrollment: 4,200 students K-12

Number of Employees:

7 Superintendent's Cabinet Members

-Superintendent of Schools

-Deputy Superintendent

-Chief Business and Financial Officer

- Director of Special Education and Student Services
- Chief Diversity, Equity and Inclusion Officer
- Chief Technology Officer
- Director of Communications

6 District Administrators

- Director of Facilities and Operations
- Director of Student Transportation
- Director of Food Services
- Director of Human Resources
- Director of Athletics and Wellness
- Assistant Director of Special Education and Student Services

13 Building Administrators

- 1 HS Principal
- 3 HS Assistant Principals
- 1 MS Principal
- 2 MS Assistant Principals
- 5 Elementary Principals
- 1 Elementary Assistant Principal

9 Subject Area Supervisors

3 CSE Chairs

1 Health Services Supervisor

832 full/part-time faculty and staff

Board of Education:

7 Member Board of Education, which meets at a minimum, twice each month

BOCES:

Capital Region

Schools:

1 High School

1 Middle School

5 Elementary Schools

Budget:

The 2022-23 Budget of \$102,698,000 was approved May 17, 2022 by district voters.

## 5. Nature of Services

The School District Legal Counsel serves as chief legal advisor to the Board of Education and its administrative staff. Successful firms should be well versed in Education law; General Municipal law; Local

Finance Law; Real Property Tax law; and Contract law (including construction law).

The firm will act as legal counsel for the School District and/or its officers, agents, and employees, including being present at meetings as may be requested by the Board of Education and/or the Superintendent of Schools and/or designee.

The district is in the midst of several litigation matters. It is anticipated that the district's current counsel will continue to handle those matters through resolution.

Services shall include, but not be limited to, the following:

**Employment Law 40%**

- Employment law, including Civil Service Law Section 75 and Education Law Section 3020-a disciplinary proceedings, Public Employment Relations Board hearings, employee contract interpretation, harassment and discrimination investigations and report preparation; responses to Division of Human Rights/Department of Labor claims
- Participate in negotiations with bargaining units

**Special Ed 35%**

- Special Education matters, including guidance on specific situations, up to and including impartial hearings

**General Counsel 20%**

- The firm will act as legal counsel of the School District in all actions and proceedings brought against the School District, other than matters handled directly by attorneys for the School District's insurance carrier.
- Appeals to the Commissioner of Education
- Review of contracts for purchases of goods or services
- Staff training on topics as may be identified

**Student Discipline 5%**

- Student matters, including student discipline and superintendent's hearings;

**6. Additional Information Submittal**

The District prefers a **single firm** to handle the various matters listed in section 5, as these areas reflect the breadth of issues that school districts are required to address. If a firm wishes to limit their

services to a specific practice area, they may submit a proposal for consideration (*i.e. solely bond counsel services or solely employment law*).

If a firm seeks only to propose certain services, those responses will be considered and evaluated in relation to the breadth of services available from firms otherwise eligible to serve as general counsel on the full range of issues described in section 5.

The scope of bond counsel work includes the following:

- Preparation of resolutions and legal notices for capital acquisitions, including school buses and potential capital projects.
- Work with district financial staff and the appointed financial advisors to the district to advance both short-term financing (typically just BAN's) and issuance of bonds and/or leases.

## **7. Term of Engagement**

This engagement is contemplated to be subject to annual review of the Board of Education; however, it is recognized that a longer-term of service is beneficial given the complexity of operations and the on-going nature of many issues. Assuming a mutually satisfactory working relationship, it is anticipated that the chosen firm would serve for five years before another RFP would be issued. This agreement may be terminated upon 30 days' notice by the Board of Education subject solely to payment of fees and disbursements as of the date of termination.

## **8. Qualifications and Experience of the Firm and Firm's Staff**

Proposals should detail the firm's experience and capacity in Education and Municipal Law including information on specific attorney(s) (partners and associates) to be assigned to the district. Include information and experience in specific areas of law. For example:

- Experience in representing similarly situated school districts in the field of education law.
- Litigation experience, including special education due process matters, including any specifically related to school districts or Education Law.
- Experience in participating in and presenting workshops and seminars in Education Law area.

Each proposal submitted must include a list of current school district clients or similar clients including any municipalities. The information should include contact names, title, address, and telephone number. If the firm represents fewer than three school districts, the applicant should include additional references and contact information relating to other similar clients.

## **9. Board of Education Process**

THE BOARD OF EDUCATION RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL PROPOSALS OR ANY PARTS OF PROPOSALS.

The original copy of all proposals received will be kept on file in the District Office.

The Board of Education and District Administration will evaluate proposals. During the evaluation process, the Bethlehem Central School District reserves the right, where it may serve the District's best interest, to request additional information or clarifications from those submitting proposals. After review of submitted written proposals, finalists will be selected and invited for an interview.

It is anticipated that the selection of a firm will be completed by the middle of December 2022. Following the notification of the selected firm, a retainer agreement will be executed between both parties as soon as possible thereafter.

## **10. Criteria for Selection**

The selection process will include, but not be limited to evaluation in the following areas: Fee amount and structure, extent of experience in Municipal and Education Law with clients of similar size and complexity, demonstrated education law expertise and capacity, and the assessments of references.

## **11. Requirements for Proposals**

All proposals must be received by Jody Monroe no later than October 28, 2022 at 4:00 p.m. Any proposals received after this deadline will be returned unopened to the firm.

Each firm shall submit one original proposal and ten (10) copies to the following address:

Bethlehem Central School District Office, 700 Delaware Avenue,  
Delmar, NY 12054

Proposals are to be submitted in a sealed envelope clearly labeled  
“School District Legal Counsel Proposal”.

All proposals and accompanying documentation become the property  
of the Bethlehem Central School District. The District shall not  
divulge any information presented in the RFP to anyone outside the  
District without approval of the firm.

## **12. Proposal Information**

Each proposal will clearly state the fees to be charged to the District.  
The District will entertain fee structures of a retainer plus hourly  
rates, fixed fees for specified types of services, straight hourly rates,  
or combinations thereof. The fee proposal should specify what, if  
any, legal services will be outside of that fixed retainer and the  
specific hourly rates (or other fee arrangement) that would be  
applicable to those services outside of the fixed retainer. The proposal  
should also explicitly state the services that will be included in the  
fixed retainer.

Names and resumes of attorney(s) to be assigned as School District  
Legal Counsel, including the specific attorney who would be  
principally responsible for the provision and/or coordination of the  
firm’s representation.

A listing of experience in the performance of the requested services  
for school districts or municipalities in New York State and the years  
of such experience.

Responses to this request for proposals should include an affirmation  
that there are not conflicts of interest between the firm and the  
Bethlehem Central School District.

Each proposal should include the firm name, address, telephone  
number, signature of official, and date.

## **Inquiries**

All inquiries concerning this RFP should be directed to:

Jody Monroe, Superintendent  
Bethlehem Central School District; 700 Delaware Avenue;  
Delmar, NY 12054      Email: [JMonroe@bethlehemschools.org](mailto:JMonroe@bethlehemschools.org)